

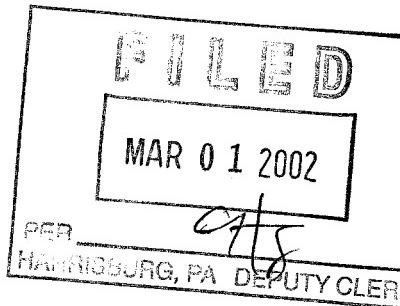
2 Ct

ORIGINAL
 IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

37
 3/4/02
 ny

PHYLLIS McPARLAND and JAMES	:
PICKING, individually and on behalf of all	:
others similarly situated,	:
Plaintiffs,	:
KEYSTONE HEALTH PLAN	:
CENTRAL, INC.,	:
Defendant.	:

CIVIL ACTION NO.
 1:CV 00-0549
 (Yvette Kane, Judge)



Supplemental Documentation in Support of
 Plaintiffs' Bill of Attorneys Fees and Costs

*I. Plaintiffs' Counsel's Billing Rates are In Line With
 Those for Class Action Counsel Litigating in this District*

In its order dated January 30, 2002, this Court directed plaintiffs' counsel to submit additional documentation demonstrating that their rates are "in line with the rates for class action counsel litigating in the Middle District of Pennsylvania," and to "establish that other firms bringing class action suits in this District are compensated at similar rates." (Slip Op. at 5). As the Court is probably aware, there have not been a large number of reported class actions in this District. However, plaintiffs have identified those that have been reported, as well as the firms that have handled them. The cites to these cases, and the class action firms that represented the plaintiffs, are set forth in the footnotes to this memorandum.

In Exhibit A plaintiffs have included charts setting forth the rates that such firms charge. These charts are taken from the Audit Report and Affidavit of Alan Winikur, dated December

31, 2001 in In Re Diet Drugs Products Liability Litig., MDL Docket No. 1203 (E.D.Pa.).¹ Mr. Winikur was appointed by U.S. District Judge Louis Bechtle to serve as the fee auditor for the Diet Drugs class actions.² In addition, plaintiffs have obtained the Declarations of members of these firms, demonstrating that the rates set forth in these charts are the hourly rates that these firms charge regardless of the jurisdictions in which they litigate their cases, including the Middle District of Pennsylvania. See Declarations of Arnold Levin, Joseph C. Kohn, Michael D. Hausfeld, Bret P. Flaherty, and Dianne M. Nast. (Exhibit B).³ These Declarations demonstrate that plaintiffs' counsel's rates in this case are in line with those of other class action counsel practicing in this District. "The burden may be satisfied by the submission of affidavits of

¹ Due to the voluminous nature of Mr. Winikur's Audit Report and Affidavit, plaintiffs' counsel has not submitted the entire report. Should the Court wish to examine the entire report, however, counsel will gladly furnish it.

² Plaintiffs' counsel in this case, Chimicles & Tikellis LLP, is among the plaintiffs' counsel in Diet Drugs. Plaintiffs' counsel's rates requested in that case are higher than those that counsel is requesting in this case. Since the time the remand motions were briefed and argued in 2000, counsel's hourly rates have increased. Plaintiffs' have included within Exhibit A information on Chimicles & Tikellis's current rates. However, counsel is requesting fees based on the rates it charged when the remand motions were litigated, not based on the firm's current rates, even though case law permits the application current rates when there is a delay between litigation and payment of fees. See Missouri v. Jenkins, 491 U.S. 274, 282 (1989) ("In setting fees for prevailing counsel, the courts have regularly recognized the delay factor, either by basing the award on current rates or by adjusting the fee based on historical rates to reflect its present value.") (citing Pennsylvania v. Del. Valley Citizens' Council, 483 U.S. 711, 716 (1987)). See also Lanni v. State of New Jersey, 259 F.3d 146, 149 (3d Cir. 2001) ("When attorney's fees are awarded, the current market rate must be used."); Keenan v. Philadelphia, 983 F.2d 459, 476 (3d Cir. 1992) (citing Blum v. Witco Chem. Co., 888 F.2d 975, 984 (3d Cir. 1989) (noting that the Third Circuit has followed this approach); Welch v. Wildwood Golf Club, 904 F. Supp. 438, 441 (W.D. Pa. 1995) ("Attorneys may be compensated at their current rates, rather than historical rates, in recognition of the delay in payment between when work was performed and fees paid.").

³ As with the other plaintiffs' firms that have litigated class actions in the Middle District of Pennsylvania (see infra) plaintiffs' counsel here charge the same rates no matter where they litigate.

attorneys with personal knowledge of the hourly rates customarily charged in the relevant market." Becker v. Arco Chem. Co., 15 F. Supp.2d 621, 628 (E.D.Pa. 1998) (citing Washington v. Phila. Court of Common Pleas, 89 F.3d 1031, 1036 (3d Cir. 1996)).

A comparison of the rates charged by plaintiffs' counsel in this case shows that plaintiffs' counsel's rates are in line with, and in many instances are lower than, the rates charged by comparable counsel for litigating class actions in this District.⁴ Michael Gottsch is a 1983 law school graduate, and a partner in the firm. The hourly rate at which he seeks to be compensated, \$340 per hour,⁵ is *lower* than the current rates of other attorneys with similar experience who have litigated class actions in this District. For example, Laurence Delvecchio of Roda & Nast⁶ graduated in 1981 and charges \$375 per hour. (Exhibit A). Joseph Kohn of Kohn, Swift & Graf⁷ is a 1982 law school graduate and bills \$410 per hour. (Id.). Joseph Sellers of Cohen Milstein⁸ graduated in 1979 and has an hourly rate of \$380. (Id.). Even Mr. Gottsch's current

⁴ For convenience of comparison, plaintiffs' counsel has prepared a chart (Exhibit C) setting forth the identities, law school graduation years, and hourly rates of the lawyers from the other class action firms who appear to be the most comparable to the Chimicles & Tikellis lawyers who worked on the remand motions in this case.

⁵ Mr. Gottsch's current rate is \$375 per hour.

⁶ Roda & Nast is located in Lancaster and, to the knowledge of plaintiffs' counsel, is the only central Pennsylvania firm that has a regular and significant class action practice. Although plaintiffs have not identified any class actions in this District with Roda & Nast, given the firm's close proximity to this District, plaintiffs are providing the Declaration of Dianne M. Nast.

⁷ Kohn Swift & Graf has served as plaintiffs' class counsel in Yi v. Reno, 852 F. Supp. 316 (M.D.Pa. 1994).

⁸ Cohen Milstein represented the plaintiffs in a class action titled Reilly v. Gould, Inc., 965 F. Supp. 588 (M.D.Pa. 1997).

rate of \$375 is "in line" with those of "class action counsel litigating in the Middle District of Pennsylvania." (Slip. Op. at 5).

Pamela Zetterberg, a 1996 graduate, seeks compensation at an hourly rate of \$200.⁹ The hourly fees for attorneys litigating in this District with her level of experience range from \$190 to \$265. Therefore, her rate is reasonable and is well in line with comparable practitioners litigating class actions in this District. Michelle Eagan of Roda & Nast graduated in the same year, and has an hourly billing rates of \$220. Exhibit A. Austin Cohen of Levin Fishbein also graduated in 1996 and bills \$265 per hour. (Id.) A. Fryszman of Cohen Milstein is another 1996 graduate, and has an hourly rate of \$205.

Kimberly Donaldson, a 1999 law school graduate, seeks compensation at an hourly rate of \$180.¹⁰ Her rate is also in line with the rates charged by attorneys of comparable experience. Shanon Carson of Berger & Montague¹¹ graduated a year after Ms. Donaldson and bills \$190 per hour. (Exhibit A). Greer Anderson of Roda & Nast is a 2000 graduate and bills \$190 per hour. (Id.).

Finally, compensation at the hourly rate of \$405 for Denise Schwartzman, a 1969 law school graduate, is reasonable.¹² Ms. Schwartzman also has a 1989 L.L.M. Michael Hausfeld of Cohen Milstein graduated the same year and bills \$495 per hour. Exhibit A. Russell Henkin of

⁹ Mrs. Zetterberg's current rate is \$230 per hour.

¹⁰ Ms. Donaldson's current rate is \$210.

¹¹ Berger & Montague represented the plaintiff class in In re TMI Litig., 927 F. Supp. 834 (M.D.Pa. 1996) and In re Anthracite Coal Antitrust Litig., 87 F.R.D. 555 (1980).

¹² Mrs. Schwartzman's current rate is \$415 per hour.

Berger Montague graduated three years after Ms. Schwartzman and has an hourly rate of \$450. (*Id.*). Arnold Levin of Levin Fishbein¹³ (1964) bills \$520 per hour. (*Id.*). The range of these hourly rates is from \$450- \$520. Ms. Schwartzman's \$405 per hour rate is *lower* than attorneys with comparable experience, and she is therefore "compensated at similar rates." (Slip. Op. at 5).

As demonstrated by the attached Declarations, exhibits and above discussion, plaintiffs' counsel's fees are in line with those of other attorneys practicing class action litigation in this District. Their fees incurred in opposing defendant's removal of this case (as modified by this Court's order) should be granted at their normal hourly rates.

*II. Plaintiffs' Counsel Should be Awarded their Costs
Incurred in Opposing Defendant's Removal of this Action*

This Court required that plaintiffs supplement their filing of costs incurred with a more detailed itemization, including "dates and a reasonable basis justifying the expenditures in this case. (Slip. Op. at 5). Attached as Exhibit D is the original bill of costs, as well as a detailed itemization, including dates.

Filing fees: these expenditures were necessary to file a remand motion to oppose defendant's removal of this action.

LEXIS charges: these fees were incurred in researching remand issues, researching caselaw in this District and Circuit, and for shepardizing cases cited in briefs.

¹³ Levin Fishbein represented the class in Reilly v. Gould, Inc., 965 F. Supp. 588 (M.D.Pa. 1997) and In re TMI Litig., 927 F. Supp. 834 (M.D.Pa. 1996).

Messenger/Courier: these fees were incurred by overnight-mail (Federal Express, UPS), services used in delivering briefs and correspondence to the Court, defense counsel, and co-counsel.

Photocopying- Outside: \$58.05 was incurred in using Pennsylvania Instant Case ("PIC") services- a company that supplies copies of unpublished opinions. \$10.83 was incurred in reimbursing co-counsel for photocopying expenses.

Postage: these expenses were incurred in mailing briefs and correspondence to the Court, defense counsel, and co-counsel via regular mail.

Telephone: these expenditures resulted from calls made to the Clerk of this Court, defense counsel, and co-counsel.

III. Conclusion

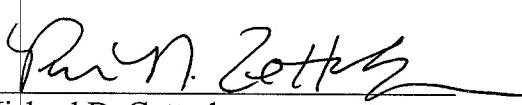
For the foregoing reasons, plaintiffs' counsel should 1) be awarded fees at their normal hourly rates, and 2) be awarded their full expenses incurred in seeking remand on this case.

Dated: February 28, 2002

Respectfully submitted,

CHIMICLES & TIKELLIS LLP

By:

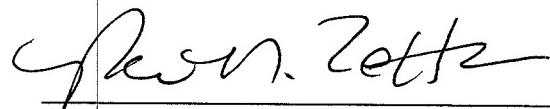

 Michael D. Gottsch
 Pamela N. Zetterberg
 Kimberly M. Donaldson
 Denise Davis Schwartzman
 361 West Lancaster Avenue
 One Haverford Centre
 Haverford, PA 19041
 (610) 642-8500

ATTORNEYS FOR PLAINTIFFS
 AND THE CLASS

CERTIFICATE OF SERVICE

I, Pamela N. Zetterberg , hereby certify that I have on this 28th day of February, 2002, caused the foregoing to be served on the following counsel, via overnight delivery:

Carleton O. Strouss, Esquire
Patricia C. Shea, Esquire
KIRKPATRICK & LOCKHART LLP
240 North Third Street
Harrisburg, PA 17101



Pamela N. Zetterberg

CT-000222

TOTALS

REFERRING FIRM **LEVIN FISIIBEIN SEDRAN & BERMAN**

COMMON BENEFIT TIME SUMMARY SHEET

Attorney	Current Hourly Rate	QE 9/30/97	QE 12/31/97	QE 1/1/98	QE 6/30/98	QE 9/30/98	QE 12/31/98	QE 3/31/99	QE 6/30/99	QE 9/30/99	QE 12/31/99	QE 3/31/00	QE 6/30/00	QE 9/30/00	QE 12/31/00	QE 3/31/01	April 2001	Total
Joseph C. Kahn	410	1,112.00	30,094.00	27,819.00	11,029.00	12,421.00	4,532.00	4,428.00	26,322.00	9,102.00	4,756.00	8,281.00	820.00				140,999.00	
Dennis F. Sheils	275	1,217.50	10,120.00	14,952.50	4,180.00	2,145.00	117.50	137.50		117.50								51,047.50
Craig W. Hillwig	225																	22.50
Douglas A. Abrahams	115			63.00		63.00		31.50	63.00	346.50								567.00
William E. Horne	125	11,110.00	48,392.50	29,717.50	17,277.50	50,810.00	5,720.00	3,180.00	17,192.50	10,692.50	2,112.50	3,86.50	15,697.50	487.50	617.50		217,315.00	
Martin J. D'Urso	125	162.50	11,520.00	17,175.00	20,800.00	26,097.50	812.50	10,107.50	60,547.50	124,117.50	5,017.50	8,901.00	2,617.50	6,760.00	116,290.00			
Steven M. Steinberg	125					4,550.00	1,787.50											6,117.50
Robert D. Frechman	260			8,736.00	52.00													8,788.00
David G. Cannon	200	400.00	2,680.00	400.00														11,840.00
Ethan M. Katz	285																	14,515.00
Michael J. Boni	125	1,112.50	8,190.00															16,872.00
Paralegal																		18,125.50
Annie M. Schwartz	95																	9,522.50
Irrya Kelson	100																	2,517.50
Vice Chair	95	508.50	1,714.00	6,744.50	4,579.00	570.00												2,140.00
Hugh Dillon	105	491.50	189.00	71.50	1,470.00	273.00	1,680.00	6,300.00	840.00	104.50	409.50		388.50					11,659.00
Jennifer Neumann-Munn	105		105.00							281.50	4,452.00							12,521.50
Margaret Conley	100		200.00	80.00	600.00	3,400.00												4,861.50
W. Eric Marr	110		517.00		550.00			242.00	640.00	22.00								4,280.00
TOTAL		16,816.50	124,516.50	136,814.00	83,102.00	98,786.00	11,515.00	20,121.50	142,124.50	151,573.50	12,210.50	21,464.00	18,586.00	2,329.50	24,249.50	364,459.00		

CT-0000220

2001
2/16/2001

DEF'N DRUG PRODUCTS LIABILITY LITIGATION - MDL 1203
COMMON BENEFIT TIME SUMMARY SHEET

REPORTING FIRM COHEN MILSTEIN HAUSFELD & TOLL, P.L.L.C.

QUARTER PERIOD 3/31/01

- 1 Preparing pleadings, motions, supporting briefs; legal research
- 2 Preparing and responding to written discovery requests.
- 3 Taking & defending depositions, including preparation
- 4 Inspection of documents
- 5 Facial investigation.
- 6 Technical research and consultation with experts.
- 7 Preparation for court appearance and trial.
- 8 Court appearance and trial.
- 9 MDL/Majl Conn. and Liaison meetings and activities
- 10 Settlement.
- 11 Settlement Administration.

ATTORNEY MAUSFELD	1	2	3	4	5	6	7	8	9	10	CURRENT TOTAL HOURS	ORDINARY HOURLY RATE	LOPESSTAR	CUMUL. HOURS	CUMUL. LOPESSTAR	PROOF
S TOLL											0.00	\$495.00	\$0.00	569.50	\$291,802.50	\$291,802.50
M FARRELL											0.00	\$480.00	\$0.00	5.50	\$2,640.00	\$2,640.00
J SELLERS											0.00	\$400.00	\$0.00	1,013.00	\$413,200.00	\$413,200.00
R LEWIS											0.00	\$380.00	\$0.00	0.75	\$285.00	\$285.00
D SMALL											5.00	\$350.00	\$1,750.00	2,191.00	\$768,850.00	\$768,850.00
G MASON											0.00	\$340.00	\$0.00	0.75	\$285.00	\$285.00
J GREENBAUM											0.00	\$325.00	\$0.00	318.50	\$103,512.50	\$103,512.50
A BURNETT											0.00	\$350.00	\$0.00	58.25	\$19,887.50	\$19,887.50
M IDE											0.50	\$255.00	\$127.50	2,740.25	\$698,763.75	\$698,763.75
J EAVES											0.00	\$245.00	\$0.00	1.25	\$308.25	\$308.25
A FRYSZMAN											0.00	\$175.00	\$0.00	1.00	\$175.00	\$175.00
M PERRY											0.00	\$205.00	\$0.00	127.25	\$20,088.25	\$20,088.25
J BERRY											0.00	\$140.00	\$0.00	53.25	\$7,455.00	\$7,455.00
S WARD											0.00	\$135.00	\$0.00	82.25	\$11,103.75	\$11,103.75
D HALE											0.00	\$135.00	\$0.00	167.50	\$22,812.50	\$22,812.50
J DEVORE											0.00	\$115.00	\$0.00	4.50	\$517.50	\$517.50
ATTORNEY NAME:											0.00	\$165.00	\$0.00	0.25	\$41.25	\$41.25
ATTORNEY NAME:											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
ATTORNEY NAME:											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
ATTORNEY NAME:											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
ATTORNEY NAME:											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
PARALEGAL											5.50	\$1,977.50	7,372.75	\$2,385,203.75	\$2,385,203.75	\$2,385,203.75
B J PRATT											0.00	\$130.00	\$0.00	503.50	\$65,455.00	\$65,455.00
G REGINA											0.50	\$130.00	\$1,235.00	115.50	\$15,015.00	\$15,015.00
M DICOCCHI											0.00	\$120.00	\$0.00	685.00	\$108,200.00	\$108,200.00
J CARKEEK											0.00	\$100.00	\$0.00	168.25	\$10,825.00	\$10,825.00
J BUBNACK											0.00	\$105.00	\$0.00	278.25	\$29,008.25	\$29,008.25
R SMITS											0.00	\$120.00	\$0.00	22.00	\$2,840.00	\$2,840.00
G MCCANTS											0.00	\$115.00	\$0.00	1.00	\$115.00	\$115.00
C VAUGHN											0.00	\$115.00	\$0.00	10.00	\$1,150.00	\$1,150.00
T KIRBY											0.00	\$75.00	\$0.00	7.50	\$562.50	\$562.50
PARALEGAL NAME:											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
PARALEGAL NAME:											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
PARALEGAL NAME:											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
TOTALS											15.00	\$1,235.00	1,989.00	\$236,988.75	\$236,988.75	\$236,988.75

Dir 1 DRUG PRODUCTS LIABILITY LITIGATION - MDL 1703
COMMON BENEFIT TIME SUMMARY SHEET

REPORTING FIRM**BERGER & MONTAGUE - N.J.&PA.****PERIOD** 3/31/01

- 1** Preparing pleadings, motions, supporting briefs, legal research,
2 Preparing and responding to written discovery requests
3 Taking & defending depositions, including preparation
4 Inspection of documents.
- 5** Factual investigation
6 Technical research and consultation with experts
7 Preparation for court appearance and trial
8 Court appearance and trial
9 MDL/Mgt. Comm. and Liaison meetings and activities
10 Settlement
11 Settlement Administration

	PA	NJ	
ATTORNEY			
J. AULBRACH	1,173.00	2,459.02	
D. BERGER	3.20	1.00	
DAN BERGER	13.62	0.00	
H. BERGER	46.13	0.00	
G. CANTOR	0.30	0.50	
S. CARSON	0.00	21.40	
E. CRAMER	23.90	0.00	
M. DAVIDOFF	0.50	0.00	
B. FLAVIERTY	37.00	159.70	
R. HEIKIN	50.10	380.40	
S. LEVY	52.00	4.00	
S. SAVETT	3.00	1.00	
J. STEIFEL	21.70	0.00	
S. WOLF	0.00	1.00	
K. ZYLSTRA	11.70	369.00	
	1,886.95	3,399.42	
PARALEGAL			
E. DELVALLE	0.70	11.00	
B. DOUGLAS	29.90	71.50	
D. FILBERT	470.85	1,507.85	
P. FOWLER	9.40	0.00	
B. MCCUIGAN	7.00	75.00	
D. PORTS	3.00	0.00	
D. SKELMA	0.50	0.00	
M. STEIN	252.50	106.00	
S. TYSOM	15.10	0.00	
L. WILLIAMS	7.50	7.50	
	797.25	1,348.85	
SUB TOTAL			
LESS DISALLOWED TIME & LODestar			
TOTAL			

CIT-0000241

REPORTING FIRM

RODA & NAST, P.C.

DUE DILIGENCE PROFESSIONALS LIABILITY LITIGATION - MBI | 283
COMMON BENEFIT TIME SUMMARY SHEET

QUARTER PERIOD 6.30.01

REPORTING FIRM		CHIMICLES & TKELLISS LLP		QUARTER PERIOD		9/30/00
1. Preparing pleadings, motions, supporting briefs, legal research		5. Facial investigation		9. MDL/Mgt Comm. and Liaison meetings and activities		
2. Preparing and responding to written discovery requests		6. Technical research and consultation with experts		10 Settlement		
3. Taking & defending depositions, including preparation		7. Preparation for court appearance and trial		11 Settlement Administration.		
4. Inspection of documents.		8. Court appearance and trial				
ATTORNEY		CURRENT TOTAL HOURS HOURLY RATE		QUARTERLY LODESTAR	CUMUL. HOURS	CUMUL. 1.000STAR
CHIMICLES, N.E.		0.00	\$490.00	\$0.00	15.00	\$7,350.00
MALONE, J.R.		0.00	\$425.00	\$0.00	7.25	\$3,081.25
GOTTSCH, M.D.		0.00	\$375.00	\$0.00	4.00	\$1,500.00
SCHWARTZ, S.A.	0.75	0.75	\$375.00	\$281.25	607.50	\$227,812.50
KRINNER, R.J.		0.00	\$375.00	\$0.00	1.00	\$375.00
LAPAT, R.M.		0.00	\$330.00	\$0.00	781.75	\$257,977.50
MARUNCI, R.M.		0.00	\$320.00	\$0.00	220.00	\$80,600.00
ZETTERBERG, P.N.		0.00	\$230.00	\$0.00	2.50	\$575.00
DONALDSON, K.M.		0.00	\$210.00	\$0.00	114.75	\$24,087.50
DUDDEAR, T.R.		0.00	\$210.00	\$0.00	10.00	\$2,100.00
TOTALS		0.75	\$250.00	\$281.25	1,763.75	\$75,468.75
PARALEGAL						
WARD, D.M.		0.00	\$90.00	\$0.00	3.00	\$270.00
BECK, M.W.	0	0.00	\$100.00	\$0.00	0.75	\$75.00
TOTALS		0.00	\$100.00	\$0.00	3.75	\$345.00
		0.75	281.25	1,767.50	575,813.75	345.00

Sent by: LEVIN, FISHBEIN, SEDRAN & BERMAN 215 592 4003;

02/26/2002 15:24; #255; Page 2/2

B

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHYLLIS McPARLAND and JAMES
PICKING, individually and on behalf of all
others similarly situated,

Plaintiffs,

KEYSTONE HEALTH PLAN
CENTRAL, INC.

Defendant.

CIVIL ACTION NO.
1:CV 00-0549
(Yvette Kane, Judge)

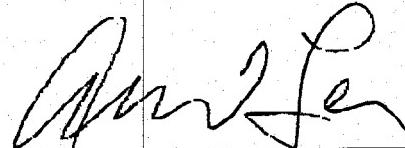
DECLARATION OF
ARNOLD LEVIN

1. I, Arnold Levin, am a member of the firm of Levin Fishbein Sedran & Berman. My firm concentrates its practice in the field of representing plaintiffs in class actions in federal and state courts.

2. The rates that my firm charged for work in In re Diet Drugs Litig., MDL No. 1203 are my firm's normal hourly rates. These rates have been approved by courts in contingent class action litigation.

3. My firm charges the same normal hourly rates for all of its work, regardless of the locality in which the cases are filed and litigated, including the United States District Court for the Middle District of Pennsylvania, where my firm has litigated.

I declare under penalty of perjury that the foregoing is true and correct.



Arnold Levin

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHYLLIS McPARLAND and JAMES :	
PICKING, individually and on :	
behalf of all others :	
similarly situated,	
	CIVIL ACTION NO.
	1:CV 00-0549
Plaintiffs,	(Yvette Kane, Judge)
v.	
KEYSTONE HEALTH PLAN :	
CENTRAL, INC., :	
Defendant.	

DECLARATION OF JOSEPH C. KOHN

1. I am a shareholder and director of the firm of Kohn, Swift & Graf, P.C. My firm concentrates its practice in the field of complex and commercial litigation and has, for over 30 years, represented plaintiffs in class actions in federal and state courts.
2. The rates that my firm charged for work in In re Diet Drugs Litig., MDL No. 1203 are my firm's normal hourly rates. These rates are charged to clients of the firm represented on an hourly fee basis, and have been approved by courts in contingent class action litigation.
3. My firm charges the same hourly rates for all of its work, regardless of the locality in which the cases are filed and litigated, including the United States District Court for the Middle District of Pennsylvania, where my firm has litigated.

I declare under penalty of perjury that the foregoing is true and correct.



A handwritten signature in black ink, appearing to read "Joseph C. Kohn". Below the signature, the name "Joseph C. Kohn" is printed in a smaller, sans-serif font.

FEB 27 2002 16:47 FR COHEN MILSTEIN

TO 1599900012916106 P.02/02

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHYLLIS McPARLAND and JAMES
PICKING, individually and on behalf of all
others similarly situated, :
Plaintiffs,
KEYSTONE HEALTH PLAN
CENTRAL, INC., :
Defendant.

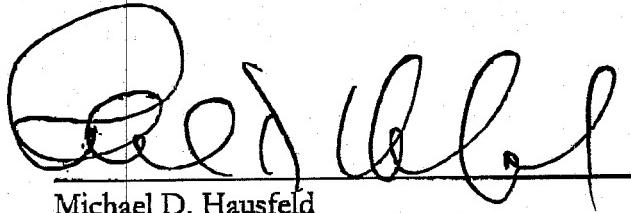
CIVIL ACTION NO.
1:CV 00-0549
(Yvette Kane, Judge)**DECLARATION OF**
MICHAEL D. HAUSFELD

1. I, Michael D. Hausfeld, am a member of the firm of Cohen Milstein Hausfeld & Toll, PLLC. My firm concentrates its practice in the field of representing plaintiffs in class actions in federal and state courts.

2. The rates that my firm charged for work in In re Diet Drugs Litig., MDL No. 1203 are my firm's normal hourly rates. These rates are charged to clients of the firm represented on an hourly fee basis, and have been approved by courts in contingent class action litigation.

3. My firm charges the same normal hourly rates for all of its work, regardless of the locality in which the cases are filed and litigated, including the United States District Court for the Middle District of Pennsylvania, where my firm has litigated.

I declare under penalty of perjury that the foregoing is true and correct.


Michael D. Hausfeld

02/28/02 14:46 FAX 215 875 3053

BERGER & MONTAGUE

4002

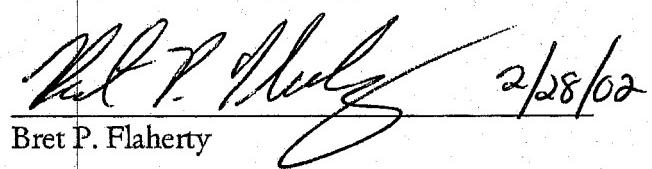
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHYLLIS McPARLAND and JAMES PICKING, individually and on behalf of all others similarly situated,	:	CIVIL ACTION NO. 1:CV 00-0549 (Yvette Kane, Judge)
Plaintiffs,	:	
KEYSTONE HEALTH PLAN CENTRAL, INC.,	:	
Defendant.	:	

DECLARATION OF
BRET P. FLAHERTY

1. I, Bret P. Flaherty, am a member of the firm of Berger & Montague, PC. My firm concentrates its practice in the field of representing plaintiffs in class actions in federal and state courts.
2. The rates that my firm charged for work in In re Diet Drugs Litig., MDL No. 1203 are my firm's normal hourly rates. These rates have been approved by courts in contingent class action litigation.
3. These rates are our normal hourly rates, regardless of the locality in which the cases are filed and litigated, including the United States District Court for the Middle District of Pennsylvania, where my firm has litigated.

I declare under penalty of perjury that the foregoing is true and correct.



Bret P. Flaherty 2/28/02

Bret P. Flaherty

FEB-28-2002 12:42

RODA & NAST, P.C.

717 892 1200

P.04

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHYLLIS McPARLAND and JAMES
PICKING, individually and on behalf of all
Others similarly situated,

Plaintiffs,

KEYSTONE HEALTH PLAN
CENTRAL, INC.,

CIVIL ACTION NO.
1:CV 00-0549
(Yvette Kane, Judge)

DECLARATION OF
DIANNE M. NAST

1. I, Dianne M. Nast, am a senior shareholder of the firm of Roda & Nast, P.C. This firm regularly represents plaintiffs in many class actions in federal courts throughout the United States.
2. This firm charges the same hourly rates in all class action litigation, regardless of the locality in which the cases are filed or litigated.



Dianne M. Nast

12/14/00
3:01 PM

CT - Expense Summary Report

Page 1

Selection Criteria	
Slip.Classification	Open; Closed
Timekeeper (hand s)	Include: expense
Slip.Date	3/28/00 - 9/29/00
Case (hand select)	Include: SENIOR BLUE
Totals for	Total Amount
\$FILING FEES	\$75.00
\$LEXIS	\$6,553.11
\$MESSENGER/COUR	\$77.98
\$PHOTO-OUTSIDE	\$68.88
\$POSTAGE	\$76.34
\$TELEPHONE/TELE	\$58.79
Grand Total	<u><u>\$6,910.10</u></u>

2/20/2002
11:04 AM

CT - Expense Detail Report

Page 1

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5/2/2000	\$EXPRESS MAIL		\$10.21
5/19/2000	\$EXPRESS MAIL		\$10.21
5/24/2000	\$EXPRESS MAIL		\$10.21
6/16/2000	\$EXPRESS MAIL		\$14.03
8/18/2000	\$EXPRESS MAIL		\$10.21
4/28/2000	\$FILING FEES		\$75.00
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7/31/2000	\$LEXIS		\$38.66
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2/20/2002
11:04 AM

CT - Expense Detail Report

Page 2

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5/1/2000	\$TELEPHONE/TELE		\$3.94
6/1/2000	\$TELEPHONE/TELE		\$4.14
6/27/2000	\$TELEPHONE/TELE		\$8.79
7/1/2000	\$TELEPHONE/TELE		\$4.09
9/1/2000	\$TELEPHONE/TELE		\$3.87
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Grand Total			\$6,910.10
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